

## **REMARKS**

Claims 1-20 are pending in this application. By this amendment, claims 1 and 12-20 are amended. For the reasons set forth below, Applicants respectfully request reconsideration and immediate allowance of this application.

### **I. Claim Rejections Under 35 U.S.C. §101**

Claims 12-20 are rejected under 35 U.S.C. §101 as allegedly not falling within one of the four statutory categories of invention. In particular, the Office Action alleges that claims 12-20 fail to include recitations that transform underlying subject matter or recitations that positively tie to another statutory category that accomplishes the claimed method.

Although this rejection is respectfully traversed, claims 12-20 are amended as indicated above to further prosecution of the current application. Independent claim 12 is amended to tie more clearly the recitations of that claim to a particular machine. Specifically, as amended, claim 12 recites “[a] computer-readable storage medium comprising computer-executable instructions stored thereon which, when executed by a computer, cause the computer to” perform the recitations of claim 12. Dependent claims 13-20 are also amended to be in accordance with independent claim 1. Since claims 12-20 include recitations tied to a particular machine, Applicants respectfully submit that the rejections are overcome and request withdrawal of the rejections.

### **II. Claim Rejections Under 35 U.S.C. §103**

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,538,623 to Parnian (hereinafter “Parnian”) in view of U.S. Patent Application Publication No. 2003/0154009 to Basir (hereinafter “Basir”). This rejection is respectfully traversed.

As amended, claim 1 recites that a video recorder comprises a processor communicating with memory; a loop buffer storing video data of an event captured by a camera, the loop buffer storing the video data for a predetermined duration of time, after which the video data is transferred or discarded; a set of rules stored in the memory, the set of rules describing a first event and a second event, wherein if the first event is not accompanied by the second event, then the set of rules further describes that the contents of the loop buffer are transferred into the memory and if the first event is accompanied by the second event, then the set of rules further

describes that the contents of the loop buffer are not transferred into the memory; when the processor determines that the event captured by the camera does not match the first event described by the set of rules, then the processor discards the contents of the loop buffer; when the processor determines that the event captured by the camera matches the first event described by the set of rules and the event captured by the camera is not accompanied by the second event, then the processor transfers the contents of the loop buffer to the memory to provide time-delayed video data, the time-delayed video data only including data preceding the event captured by the camera that matches the first event described by the set of rules and is not accompanied by the second event; and the processor tags the time-delayed video data with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory.

The combined teachings of Parnian and Basir fail to teach, suggest, or describe a video recorder including the features recited by claim 1. Turning to Parnian, Parnian does not teach, suggest, or describe a video recorder including the features recited by claim 1. On the contrary, Parnian describes a wearable and mobile multi-media data collection tool kit including a video camera connected to an electronic case file of the kit. Parnian describes that the video from the video camera can be stored in video memory associated with the electronic case file or can be downloaded to a removable magnetic disc drive. This is not analogous to the video recorder recited by claim 1 because Parnian fails to teach, suggest, or describe that the video recorder or the case includes a loop buffer storing video data of an event captured by a camera, the loop buffer storing the video data for a predetermined duration of time, after which the video data is transferred or discarded. Instead, Parnian describes that the video may be stored in video memory or downloaded to a removable magnetic disc drive, without teaching, suggesting, or describing that either the video memory or the removable magnetic disc drive is a loop buffer as recited by claim 1.

Further, Parnian fails to teach, suggest, or describe a set of rules stored in memory that describes a first event and a second event, wherein if the first event is not accompanied by the second event, then the set of rules further describes that the contents of the loop buffer are transferred into the memory and if the first event is accompanied by the second event, then the set of rules further describes that the contents of the loop buffer are not transferred into the memory. Instead, as discussed above, Parnian describes that the video from the video camera can be stored in video memory associated with the electronic case file or can be downloaded to a

removable magnetic disc drive, without teaching, suggesting, or describing that the video is transferred from a loop buffer to memory when a determination is made that a first event is not accompanied by a second event or that the video is not transferred from a loop buffer to memory if a first event is accompanied by a second event. Further, Parnian fails to teach, suggest, or describe that the transferred video provides time-delayed video data only including data that precedes the event that matches the first event described by the set of rules and is not accompanied by the second event.

Moreover, Parnian fails to teach, suggest, or describe a processor that tags the time-delayed video data with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory. As discussed above, Parnian fails to teach, suggest, or describe a set of rules stored in memory that describes a first event and a second event, wherein if the first event is not accompanied by the second event, then the set of rules further describes that the contents of the loop buffer are transferred into the memory and if the first event is accompanied by the second event, then the set of rules further describes that the contents of the loop buffer are not transferred into the memory. It follows then that Parnian also fails to teach, suggest, or describe that the time-delayed video data is tagged with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.

Turning now to Basir, the Office Action notes that Parnian does not specifically disclose a loop buffer, set of rules, or processor as recited by claim 1 and relies on the teachings of Basir to cure, allegedly, the above-identified deficiencies of Parnian. However, like Parnian, Basir does not teach, suggest, or describe a video recorder including the features recited by claim 1. In contrast, Basir describes a system for monitoring and analyzing real time visual and non-visual information operative to detect an eccentric event; *when the eccentric event is detected, continue to record for a fixed period of time; and once this time has elapsed, copy the data from a volatile memory, such as a circular buffer, to a non-volatile memory.*

This is not analogous to the video recorder recited by claim 1 because Basir fails to teach, suggest, or describe a set of rules stored in the memory that describes a first event and a second event, wherein if the first event is not accompanied by the second event, then the set of rules further describes that the contents of the loop buffer are transferred into the memory and if the first event is accompanied by the second event, then the set of rules further describes that the contents of the loop buffer are not transferred into the memory. Instead, Basir describes that

when an eccentric event is detected, the system continues to record for a fixed period of time, and once this fixed period of time has elapsed, then the data is copied from a volatile memory to a non-volatile memory. Nowhere does Basir describe that if a first event *is not accompanied by a second event*, then contents of a loop buffer are transferred into memory, and if the first event *is accompanied by the second event*, then the contents of the loop buffer are not transferred into the memory as recited by claim 1. Basir is only concerned with the occurrence of an eccentric event, not with any additional event that may accompany the eccentric event. The current Office Action does not point to support in Basir for the alleged assertion that Basir describes these recitations of claim 1. Therefore, if the next Office Action continues to use Basir to reject claim 1, Applicants respectfully request that the Office Action include support from Basir for these assertions.

Further, Basir fails to teach, suggest, or describe that when a processor determines that an event captured by a camera matches a first event described by a set of rules *and the event captured by the camera is not accompanied by the second event*, then the processor transfers the contents of a loop buffer to memory to provide time-delayed video data, the time-delayed video data only including data preceding the event captured by the camera that matches the first event described by the set of rules and is not accompanied by the second event. Instead, Basir describes that *when an eccentric event is detected, recording is continued for a fixed period of time, and only after that fixed period of time has elapsed is the data copied from the volatile memory to the non-volatile memory*. Nowhere does Basir teach, suggest, or describe that when a processor determines that an event captured by a camera matches a first event described by a set of rules and the event captured by the camera *is not accompanied by the second event, then the processor transfers the contents of a loop buffer to memory* as recited by claim 1. As noted above, Basir is only concerned with the occurrence of an eccentric event, not with any additional event that may accompany the eccentric event. Again, the current Office Action does not point to support in Basir for the alleged assertion that Basir describes these recitations of claim 1. Therefore, if the next Office Action continues to use Basir to reject claim 1, Applicants respectfully request that the Office Action include support from Basir for these assertions.

Further, since Basir describes that once an eccentric event is detected, *recording continues for a fixed period of time and the data is not transferred until after that fixed period of time of recording*, the data described by Basir that is transferred includes data preceding the

eccentric event, data during the eccentric event, and data after the eccentric event unlike claim 1 which recites that the transferred video provides time-delayed video data *only including data that precedes the event that matches the first event described by the set of rules and is not accompanied by the second event*. Therefore, Basir fails to teach, suggest, or describe the video recorder as recited by claim 1.

Moreover, Basir fails to teach, suggest, or describe that time-delayed video data is tagged with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory. Instead, Basir describes stamping the video data so that when the data is retrieved, the video data can be synchronized with playback of non-visual vehicle and occupant data. This is not analogous to the video recorder recited by claim 1 because Basir fails to teach, suggest, or describe that the video data is tagged with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory. Basir only describes that the video data is stamped so that synchronized playback with non-visual vehicle and occupant data is possible without teaching, suggesting, or describing that the video data is tagged with metadata describing the event that caused the contents of a loop buffer to be transferred to memory.

For at least the reasons given above, the combined teachings of Parnian and Basir fail to teach, suggest, or describe the recitations of claim 1. Since claims 2-11 depend from claim 1 and recite further claim features, Applicants respectfully submit that claims 2-11 are also allowable over the combined teachings of Parnian and Basir. Accordingly, withdrawal of these rejections is respectfully requested.

Independent claim 12 includes some recitations similar to the recitations of claim 1. Thus, for at least the reasons given above with regards to claim 1, claim 12 is allowable over the combined teachings of Parnian and Basir. Since claims 13-20 depend from claim 12 and recite further claim features, Applicants respectfully submit that claims 13-20 are also allowable over the combined teachings of Parnian and Basir. Accordingly, Applicants respectfully request withdrawal of this rejection.

### III. Provisional Obviousness-Type Double-Patenting

Claims 1-3, 5-6, 8, 11-17, and 20 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting over claims 1 and 3-7 of co-pending Application No. 10/674,995 (hereinafter “‘995 Application”) in view of United States Patent Application

Publication No. 2003/0154009 to Basir et al. (hereinafter "Basir"). Although Applicants still respectfully disagree with the Office Action's use of Basir in combination with claims 1 and 3-7 of the '995 Application to reject claims 1-3, 5-6, 8, 11-17, and 20 on the grounds of nonstatutory obviousness-type double patenting, this provisional rejection will be addressed once allowable subject matter is indicated in either the current application or the '995 Application.

### **CONCLUSION**

In view of the foregoing amendment and remarks, Applicants respectfully submit that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact Applicants' undersigned attorney at (404) 815-1900.

Respectfully submitted,

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